

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TERRI L. HOLLAND,

Plaintiff,

Case No. 06-14083

v.

HONORABLE DENISE PAGE HOOD

**MICHAEL J. ASTRUE,
Commissioner of Social Security**

Defendant.

ORDER ACCEPTING REPORT AND RECOMMENDATION

I. Background

Terri L. Holland brought this action under 42 U.S.C. § 405(g) for judicial review of the Commissioner's final decision denying her application for Disability Insurance Benefits (DIB) under Title II of the Social Security Act. Both parties have filed motions for Summary Judgment, which were referred, pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). This matter is before the Court on Magistrate Judge Steven D. Pepe's Report and Recommendation dated October 22, 2007.

II. Standard of Review

The standard of review to be employed by the Court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.*

III. Applicable Law

In adopting federal court review of Social Security administrative decisions, Congress

limited the scope of review to a determination of whether the Commissioner's decision is supported by substantial evidence. *See* 42 U.S.C. § 405(g); *Sherrill v. Sec'y of Health and Human Servs.*, 757 F.2d 803, 804 (6th Cir. 1985). Substantial evidence has been defined as "more than a mere scintilla;" it is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Richardson v. Perales*, 402 U.S. 389, 401 (1971) (quoting *Consolidated Edison Co. V. NLRB*, 305 U.S. 197, 229 (1938)). The Commissioner's findings are not subject to reversal merely because substantial evidence exists in the record to support a different conclusion. *Mullen v. Brown*, 800 F.2d 535, 545 (6th Cir. 1986) (citing *Baker v. Heckler*, 730 F.2d 1147, 1150 (8th Cir. 1984)).

IV. Analysis

The Court adopts the Magistrate Judge's Report and Recommendation.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Steven D. Pepe, **[Docket No. 16, filed on October 22, 2007]** is ACCEPTED and ADOPTED as this Court's findings and conclusions of law.

IT IS ORDERED that Plaintiff's Motion for Summary Judgment **[Docket No. 10, filed on January 11, 2007]** is DENIED.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment **[Docket No. 13, filed on March 1, 2007]** is GRANTED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 14, 2008, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager